

washingtonpost.com

Anti-Bias Law Wins In Md.'s High Court

Transgender People Protected In Montgomery

By Henri E. Cauvin and Ann E. Marimow
Washington Post Staff Writers
Wednesday, September 10, 2008; B01

A [Montgomery County](#) law banning discrimination against transgender people took effect yesterday, county attorneys said, after the state's highest court rejected a petition effort that would have forced the issue to a referendum.

The measure, passed by the County Council in November, had been set to take effect in February, but it was blocked when some religious and conservative groups launched the petition effort.

The dispute soon moved to court, where the two sides argued procedural points, disagreeing on such issues as the number of signatures necessary to place the matter on the November ballot.

Yesterday, the Court of Appeals issued a brief order reversing a lower court ruling that had sided with the law's opponents. The high court said it would explain the basis for its ruling in a later opinion.

[Jonathan Shurberg](#), an attorney for Equality Maryland, which led the challenge of the ballot initiative, said the court's decision ensured the integrity of the referendum process.

"The court gave a ringing endorsement to the principle that ordinary citizens have the right to challenge and test the validity of a petition submitted to referendum," Shurberg said.

Ruth Jacobs, president of Maryland Citizens for Responsible Government, a group that worked to force the referendum, called it a sad day.

"We've been disenfranchised," she said. "Every single signature was a wish to have an opportunity to have a vote."

The high court heard arguments in the case Monday and had to rule swiftly because state officials are required to certify language for the Nov. 4 ballot by today. The court's two-page order, signed by Chief Judge Robert M. Bell, indicated only that a majority of the court concurred in reversing the Circuit Court ruling in the case.

The anti-discrimination law, similar to measures in the District and dozens of other jurisdictions, was passed unanimously by the County Council last year and signed into law by County Executive [Isiah Leggett](#) (D).

The law prohibits discrimination based on gender identity in housing, employment, taxi service, cable service and public accommodations.

Advertisement

The advertisement features a grid of eight red buttons with white text, each representing a TV show: Hannah Montana, Miami Ink, Family Guy, iCarly, SpongeBob, So You Think You Can Dance, Inuyasha, and Dragonball Z. Below the grid is a white box with the text "What's On TV Tonight?" and a search bar labeled "enter your favorite show". To the right of the search bar is the Ask.com logo and a "Search" button. At the bottom, small text reads "Top TV Show Searches Source: Ask.com September 2008".

Opponents, including some parents and religious groups, said they were worried about how the law might be applied to public restrooms and health club locker rooms. They gathered thousands of signatures to force the issue to a vote in November.

County election officials certified the effort and scheduled the referendum. Supporters of the law, however, challenged the certification, arguing that the county had miscalculated the number of signatures required to force the issue to a referendum.

[Montgomery County Circuit Court](#) Judge Robert A. Greenberg rejected the bid to block the ballot initiative, saying the challenge had merit but had not been filed during a 10-day window provided by election law.

The challenge was filed March 14, 22 days after elections officials validated the first of two batches of petition signatures. But that was only eight days after final certification of the referendum, and that, Bell asserted in court Monday, is what should have started the clock ticking on the 10-day deadline.

Until the opinion is issued, however, it is impossible to know what the court's reasoning was.

Word of the court's decision spread quickly through the County Council building, where the measure had been introduced by County Council member [Duchy Trachtenberg](#) (D-At Large), who was inspired in part by her legislative aide, [Dana Beyer](#), a transgender woman.

"Everybody deserves the right to a free life without discrimination," said Beyer, who was thrilled by the news and said she looked forward to expanding the protections to the state level.

The case had drawn national attention as both sides girded for a ballot fight, and advocates for the rights of transgender people applauded the Court of Appeals decision yesterday. "No one's civil rights should ever be put to a vote, and the court's decision gives meaning to that essential principle," Joe Solmonese, the president of [Human Rights Campaign](#), said in a statement.

Amy Smith, an attorney for Alliance Defense Fund, a conservative legal fund assisting opponents, called the decision "another example of an activist court hijacking democracy." She said her organization was waiting to review the court's full opinion before it determines whether to take further legal action.

"Hopefully, we can stop a political activist group from silencing the voice of an entire county," she said.

Post a Comment

[View all comments](#) that have been posted about this article.

Comments that include profanity or personal attacks or other inappropriate comments or material will be removed from the site. Additionally, entries that are unsigned or contain "signatures" by someone other than the actual author will be removed. Finally, we will take steps to block users who violate any of our posting standards, terms of use or privacy policies or any other policies governing this site. Please review the [full rules](#) governing commentaries and discussions. You are fully responsible for the content that you post.

Ads by Google

Protect the Ballot for everyone! Learn more about US Voting Rights
www.ACLU.tv

Finally, a Diet that Really Works! As Seen on CNN, NBC, & CBS News.
www.Wu-YiSource.com

Developed Pancreatitis While Taking Byetta? Free Case Eval 800-LAW-INFO
yourlawyer.com